

**November 14, 2019**

**TO: MITCHELL COUNTY BOARD OF SUPERVISORS**

**CC: SECRETARY OF STATE**

**FROM: IOWA LEGISLATIVE SERVICES AGENCY**

**RE: MITCHELL COUNTY SUPERVISOR REDISTRICTING REPORT - PLAN I -  
ADDITIONAL REPRECINCTING REQUIRED**

**I. PLAN “THREE” COUNTY SUPERVISOR REDISTRICTING REQUIREMENTS.**

**A. PROCEDURAL REQUIREMENTS FOR PLAN “THREE” COUNTY SUPERVISOR REDISTRICTING.**

Pursuant to Iowa Code section 331.210A, the Legislative Services Agency shall draw a representation plan for a county that elects supervisors under plan “three” as defined in Iowa Code section 331.206 if a new representation plan is required by law. Following submission to and approval by the State Commissioner of Elections of a precinct plan to be used to draw the new representation plan for the county, the State Commissioner of Elections shall notify the Legislative Services Agency to prepare a representation plan for the county. After the Legislative Services Agency has drawn the plan, the Legislative Services Agency shall submit the plan to the governing body for the county and shall at the earliest feasible time make available to the public copies of the legal description of the plans, maps illustrating the plans, a summary of the standards prescribed by law for development of the plans, a statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population. Upon receipt of the first plan, the governing body shall comply with the duties required by Iowa Code section 331.210A(2)(c) to the extent applicable, which duties include conducting at least one public hearing on the proposed plan, reviewing the plan submitted by the Legislative Services Agency, and approving or rejecting the plan. If the plan is rejected, the governing body shall give written reasons for the rejection and shall direct the Legislative Services Agency to prepare a second plan. The second plan may be amended by the governing body in accordance with the provisions of Iowa Code section 331.210A(2)(d). After receiving the second plan, the governing body shall approve either the first plan or the second plan.

**B. STANDARDS FOR PLAN “THREE” COUNTY SUPERVISOR REDISTRICTING.**

Several Iowa Code sections prescribe standards for establishing county supervisor districts for counties that elect supervisors under plan “three.”

Iowa Code section 49.3 generally governs requirements for election precincts. In addition, the Iowa Code section establishes the following requirements that are applicable to plan “three” county supervisor election districts:

1. All boundaries shall follow precinct boundaries.
2. All districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the county.
3. All districts shall be composed of contiguous territory as compact as practicable.
4. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

5. Cities shall not be divided into two or more county supervisor districts unless the population of the city is greater than the ideal size of a district. Cities shall be divided into the smallest number of county supervisor districts possible.

Iowa Code section 331.210 governs plan “three” supervisor districts. The Iowa Code section provides that supervisor districts shall be drawn as provided in Iowa Code section 331.209, except that the boundaries of supervisor districts shall follow voting precinct lines. Iowa Code section 331.209, governing plan “two” supervisor districts, provides that supervisor districts shall be drawn, to the extent applicable, in compliance with the redistricting standards provided for senatorial and representative districts in Iowa Code section 42.4, and if a supervisor redistricting plan is challenged in court, the requirement of justifying any population variance of a supervisor district in excess of one percent contained in Iowa Code section 42.4(1)(c) applies to the board of supervisors.

Iowa Code section 331.210A(2)(f), governing plan “three” county supervisor plans drawn by the Legislative Services Agency, provides that plans shall be drawn in accordance with Iowa Code section 42.4, to the extent applicable.

Iowa Code section 42.4, governing congressional and state legislative redistricting and made applicable to plan “three” county supervisor redistricting, prescribes, in relevant part, several redistricting standards to be used in the preparation of congressional and legislative redistricting plans. The Iowa Code section provides that legislative and congressional districts shall be established on the basis of population; that, subject to population requirements and to the extent possible; the number of counties and cities divided among more than one district shall be as small as possible; that districts shall be composed of convenient contiguous territory; that districts shall be reasonably compact in form; and that no district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In providing that no district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group, Iowa Code section 42.4 provides that no use shall be made of any data concerning the addresses of incumbent legislators or members of Congress, the political affiliations of registered voters, previous election results, and demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.

## **II. MITCHELL COUNTY SUPERVISOR REDISTRICTING.**

### **A. OVERVIEW.**

Mitchell County elects county supervisors under plan “three” as defined in Iowa Code section 331.206. As part of the general election held in 2018, Mitchell County voters increased the number of county supervisors from three to five. Pursuant to the requirements of Iowa Code section 331.203, Mitchell County is required to divide the county into five equal-population districts by December 15, 2019. In October 2019, Mitchell County submitted a proposed reprecincting plan to the Secretary of State, which is necessary to allow for the adoption of five equal-population county supervisor districts. On October 28, 2019, the Secretary of State submitted the proposed reprecincting plan to the Legislative Services Agency for review.

## **B. ADDITIONAL REPRECINCTING REQUIRED.**

Prior to developing a proposed redistricting plan for Mitchell County, the Legislative Services Agency examined the proposed precinct plan for compliance with legal standards applicable to precincts and to determine whether a legally valid supervisor redistricting plan could be drawn based upon the precincts. Pursuant to this examination, the Legislative Services Agency determined that the proposed precinct plan for Mitchell County does not comply with legal standards applicable to precincts. In addition, the legal descriptions for several precincts need to be modified. However, adoption of a modified precinct plan as described in this report will allow for the drawing of a valid supervisor redistricting plan.

The following precincts either do not comply with the legal requirements applicable to precincts or require a modification of the legal description applicable to that precinct.

Precincts 1–4. Each precinct includes one of the four city wards for the city of Osage as well as unincorporated territory not included within the applicable city ward included within that precinct. Iowa Code sections 49.3 and 372.13(7) require that ward boundaries follow precinct boundaries. Because each proposed precinct includes non-ward territory and therefore does not follow ward boundaries, the precincts do not comply with the legal requirements applicable to precincts for city wards. To create legal precincts, the county needs to create four precincts that follow the four city ward boundaries in Osage. In addition, the county needs to create additional precincts that include the non-Osage territory described in proposed precincts 1–4. To incorporate the non-Osage territory currently included in precincts 1–4, the county could create two additional precincts with one precinct containing the non-Osage territory in precincts 1 and 2 and another precinct containing the non-Osage territory in precincts 3 and 4.

Precinct 6. The legal description for this precinct provides, in relevant part, as follows:

“... except that part of Liberty Township census blocks 2099, 2100, 2102 through 2015, 2108 through 2117, ...”

The reference to census block 2015 is in error and the language should be amended to read as follows:

“... except that part of Liberty Township census blocks 2099, 2100, 2102 through 2117, ...”

Precinct 7. The legal description for this precinct provides, in relevant part, as follows:

“... that part of Liberty Township census blocks 2099, 2100, 2102 through 2015, 2108 through 2117, ...”

The reference to census block 2015 is in error and the language should be amended to read as follows:

“... that part of Liberty Township census blocks 2099, 2100, 2102 through 2117, ...”

Precinct 10. The legal description for this precinct excepts census blocks 2132, 3050, 3051, and 3052, among others, in Cedar Township. To match with the legal description in precinct 2, census blocks 2130, 2131, 2133, and 3053 in Cedar Township also need to be excluded from precinct 10. The language can be redrafted to except census blocks 2130 through 2133 and 3050 through 3053.

## **C. PLAN I — MITCHELL COUNTY SUPERVISOR DISTRICTS.**

### **1. PLAN SELECTION CONSIDERATIONS.**

**OVERVIEW.** In the development of the proposed county supervisor redistricting plan, at no time did any member of the Legislative Services Agency redistricting team consider the addresses of incumbents, the political affiliations of registered voters, previous election results, or demographic information other than population headcounts. Plan selection was based solely upon the standards, as described in this report, applicable to plan “three” county supervisor districts.

**PRECINCTS.** The proposed precinct plan for Mitchell County, if modified as described in this report, allows for the drawing of a valid supervisor redistricting plan.

**POPULATION EQUALITY.** Pursuant to the 2010 federal decennial census, the total population of Mitchell County is 10,776 persons. With five supervisor districts, the ideal population size for each county supervisor district is 2,155 persons. Based on the requirement that a county board of supervisors has the burden of proof to justify any supervisor district that deviates from the ideal population by more than one percent or 21.55 persons, each county supervisor district in the plan for Mitchell county has a population of between 2,134 and 2,176 persons.

**CITIES.** Iowa Code section 49.3 provides that cities shall not be divided into two or more county supervisor districts unless the population of the city is greater than the ideal size of a district and cities shall be divided into the smallest number of county supervisor districts possible.

Based on this requirement, cities that did not exceed the ideal size of a district were not divided into two or more county supervisor districts in the plan. The city of Osage, with a population of 3,619 based on the 2010 federal decennial census, exceeds the ideal size of a district. As a result, Osage was divided into two districts, the smallest number of county supervisor districts possible.

### **2. MITCHELL COUNTY SUPERVISOR DISTRICTS — PLAN I DESCRIPTION.**

**PLAN I.** The first proposed county supervisor redistricting plan for Mitchell County is as follows:

District 1. Precincts incorporating territory described in proposed precincts 1 and 2 as attached to this report.

District 2. Precincts incorporating territory described in proposed precincts 3 and 4 as attached to this report.

District 3. Precincts incorporating territory described in proposed precincts 5 and 6 as attached to this report if the legal description of territory in precinct 6 is modified as provided in this report.

District 4. Precincts incorporating territory described in proposed precincts 7 and 8 as attached to this report if the legal description of territory in precinct 7 is modified as provided in this report.

District 5. Precincts incorporating territory described in proposed precincts 9 and 10 as attached to this report if the legal description of territory in precinct 10 is modified as provided in this report.

**D. PLAN I PUBLIC NOTICE.** The requirements of making information about the plan available to the public shall be met by making this report and the attachments available through the Legal Topic Publications section on the Iowa General Assembly’s website located at the following link: [www.legis.iowa.gov/publications/legalPubs](http://www.legis.iowa.gov/publications/legalPubs).

### **III. ATTACHMENTS.**

Attached to this Report are the following:

- 1** — Descriptions of proposed precincts as submitted by Mitchell County.
- 2** — Map of proposed county supervisor districts — Plan I.
- 3** — Information including populations and population variance statistics for each county supervisor district in Plan I.

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# Attachment 1

## PRECINCT DESCRIPTIONS – 2010 CENSUS

Precinct #1: Located in Osage Township and is contained within the same boundaries as Ward 2 in the city of Osage and that part of Osage Township west of the city of Osage and north of Iowa Highway 9 census blocks 1107, 1108, 1114 through 1118, 2138, 4001 through 4006, and 4054 and also referred to as Sections 14, 22, and that part of Sections 15, 21, and 23 in Osage Township.

Precinct #2: Located in Osage Township and is contained within the same boundaries as Ward 3 in the city of Osage, and that part of Osage Township west of the city of Osage and south of Iowa Highway 9 census blocks 1127 through 1130, 2063, 2140, 3020, 3054, and 3059, and also referred to as that part of Sections 26, 27, 28, and 35 in Osage Township and that part of Cedar Township of which are census blocks 1100, 1101, 1132, 2069, 2087, 2088, 2089, 2130 through 2133, 1052, 3050 through 3053, and 3060 also referred to as Sections 11, 14, and that part of Sections 1, 2, 12, 13, 35, and 36 in Cedar Township.

Precinct #3: Located in Osage Township and is contained within the same boundaries as Ward 1 in the city of Osage and that part of Osage Township east of the city of Osage and north of Iowa Highway 9 census blocks 1048 through 1051, 1075, 1106, 1047, 1049, 2000, and 4000 and also referred to as Sections 13, 17 through 20, and Section 24 in Osage Township.

Precinct #4: Located in Osage Township and is contained within the same boundaries as Ward 4 in the city of Osage, and that part of Osage Township east of the city of Osage and south of Iowa Highway 9 census blocks 1052, 1071 through 1074, 1076, 1043, and 1044, and also referred to as Sections 29, 30 and that part of Sections 25, 31, 32, and 36 in Osage Township, and except that part of West Lincoln Township located East of US Highway 218 of which are census blocks 1080, 1088, 1089, 1090, 1110, 1111, and 1137 and also referred to as Sections 3, 10, 11, 14, 15, and that part of Section 2 in West Lincoln Township. This precinct includes the city of Orchard.

Precinct #5: Contains all of Douglas, Burr Oak, and East Lincoln Townships, and that part of West Lincoln Township located East of US Highway 218 of which are census blocks 1080, 1088, 1089, 1090, 1110, 1111, and 1137 and also referred to as Sections 2, 3, 10, 11, 14, 15, and that part of Section 2 in West Lincoln Township.

Precinct #6: Contains all of Wayne and Jenkins Townships and Liberty Township, except that part of Liberty Township census blocks 2099, 2100, 2102 through 2015, 2108 through 2117, 2121 through 2123, 4084, and 4095 and also referred to as Sections 1 through 10, 12, 16, 17, and 18. This precinct includes the cities of McIntire and that portion of Riceville within Mitchell County.

Precinct #7: Contains all of Union and Stacyville Townships and that part of Liberty Township census blocks 2099, 2100, 2102 through 2015, 2108 through 2117, 2121 through 2123, 4084, and 4095 and also referred to as Sections 1 through 10, 12, 16, 17, and 18. This precinct includes the city of Stacyville.

Precinct #8: Contains all of Otranto, Newburg, and Rock Townships. This precinct includes the city of Carpenter.

Precinct #9: Contains all of St. Ansgar Township and that part of Mitchell Township of which are census blocks 1032 through 1041, 1043, 1044, 1045, and 1057, and also referred to as Sections 21 through 29, and part of Sections 33 and 4. This precinct includes the city of St. Ansgar.

Precinct #10: Contains Mitchell Township except that part of Mitchell Township of which are census blocks 1032 through 1041, 1043, 1044, 1045, and 1057, and also referred to as Sections 21 through 29, and part of Sections 33 and 4, and except that part of Cedar Township of which are census blocks 1100, 1101, 1132, 2069, 2087, 2088, 2089, 2132, 1052, 3050, 3051, 3052, and 3060 , and also referred to as Sections 11, 14, and that part of Sections 1, 2, 12, 13, 35, and 36 in Cedar Township. This precinct includes the city of Mitchell.

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# Plan I



